

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JEREMY ROLFES,)	
)	CASE NO. 1:16CV2408
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
LASHANN EPPINGER, WARDEN,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Respondent.)	<u>ORDER</u>

Petitioner Jeremy Rolfes filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254 \(ECF No. 1\)](#), alleging four (4) grounds for relief which challenge the constitutionality of his conviction and sentence in the Cuyahoga County Court of Common Pleas [Case No. CR-04-458493](#).¹ A Cuyahoga County Grand Jury indicted Petitioner on two counts of aggravated murder, with a felony murder specification; and two counts of aggravated robbery. All charges carried a three year firearm specification. Petitioner pleaded not guilty. The State deleted the felony murder specification in Count One, and the firearm specification in Count One was amended to a one-year specification. Petitioner later withdrew his not guilty plea to one count of aggravated murder. Counts Two, Three, and Four were nolle. The trial court sentenced Petitioner to an aggregate sentence of twenty-one years. The case was referred to Magistrate Judge James R. Knepp, II for preparation of a report and recommendation pursuant to

¹ Petitioner is also in custody serving a six-month concurrent sentence for a drug trafficking conviction in [Case No. CR-04-459857](#), which he does not challenge in this habeas petition. See [ECF No. 9 at PageID#: 291, 308](#).

(1:16CV2408)

[28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#). On June 11, 2018, the magistrate judge issued a Report and Recommendation ([ECF No. 9](#)). In his report, the magistrate judge recommends that the Court deny the habeas petition on the following grounds: (1) Grounds Three and Four are procedurally defaulted; and (2) Grounds One and Two fail on the merits.

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the Report were, therefore, due on June 28, 2018.² But, neither party has timely filed any such objections. Therefore, the Court must assume that the parties are satisfied with the magistrate judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn](#), 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); [Howard v. Secretary of Health and Human Services](#), 932 F.2d 505 (6th Cir. 1991); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. Jeremy Rolfes's Petition for a Writ of Habeas Corpus will be dismissed.

The Court certifies that there is no basis upon which to issue a certificate of appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

September 14, 2018
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge

² Under [Fed. R. Civ. P. 6\(d\)](#), three days must be added to the fourteen-day time period because Petitioner was served a copy of the Report by mail. See [Thompson v. Chandler](#), 36 F. App'x. 783, 784 (6th Cir. 2002).